

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1044

By: Martinez

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to motor vehicles; amending 47 O.S.  
10                   2011, Section 11-901c, as last amended by Section 2,  
11                   Chapter 214, O.S.L. 2015 (47 O.S. Supp. 2018, Section  
12                   11-901c), which relates to unlawful use of cellular  
13                   telephone; allowing certain mobile telephone use; and  
14                   providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16                   SECTION 1.           AMENDATORY           47 O.S. 2011, Section 11-901c, as  
17                   last amended by Section 2, Chapter 214, O.S.L. 2015 (47 O.S. Supp.  
18                   2018, Section 11-901c), is amended to read as follows:

19                   Section 11-901c.   A.   It shall be unlawful for any person to  
20                   operate a commercial motor vehicle or for a public transit driver to  
21                   operate a motor vehicle on any street or highway within this state  
22                   while:

23                   1.   Using a cellular telephone or electronic communication  
24                   device to write, send, or read a text-based communication; or

1        2. Using a hand-held mobile telephone while operating a  
2 commercial motor vehicle.

3        For the purposes of paragraphs 1 and 2 of this subsection, using  
4 a hand-held mobile telephone is permissible by drivers of a  
5 commercial motor vehicle when necessary to communicate with law  
6 enforcement officials, ~~or~~ other emergency services or to and from a  
7 central dispatch school transportation department or its equivalent.

8        B. Any person who violates the provisions of subsection A of  
9 this section shall, upon conviction, be guilty of a misdemeanor  
10 punishable by a fine of Five Hundred Dollars (\$500.00).

11        C. As used in this section:

12        1. "Cellular telephone" means an analog or digital wireless  
13 telephone authorized by the Federal Communications Commission to  
14 operate in the frequency bandwidth reserved for cellular telephones;

15        2. "Electronic communication device" means an electronic device  
16 that permits the user to manually transmit a communication of  
17 written text by means other than through an oral transfer or wire  
18 communication. This term does not include a voice-activated global  
19 positioning or navigation system that is affixed to a motor vehicle;

20        3. "Operate" means operating on a street or highway, including  
21 while temporarily stationary because of traffic, a traffic control  
22 device or other momentary delays. Operating does not include when  
23 the driver of a commercial motor vehicle has moved the vehicle to  
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1 the side of or off a street or highway and has halted in a location  
2 where the vehicle can safely remain stationary;

3 4. "Public transit driver" means:

4 a. any operator of a public transit vehicle owned and  
5 operated by the State of Oklahoma, any public trust  
6 authority, county, municipality, town or city within  
7 this state,

8 b. any operator of a school bus or multi-passenger motor  
9 vehicle owned and approved to operate by the State  
10 Department of Education or any school district within  
11 this state, or

12 c. any operator, conductor or driver of a locomotive  
13 engine, railway car or train of cars; and

14 5. "Write, send, or read a text-based communication", also  
15 known as texting, means manually entering alphanumeric text into,  
16 sending text, or reading text from, an electronic device, and  
17 includes, but is not limited to, short message service (SMS), e-  
18 mailing, instant messaging (IM), a command or request to access a  
19 World Wide Web page, or engaging in any other form of electronic  
20 text retrieval or entry, for present or future communication. As  
21 used in this paragraph, texting does not include:

22 a. using voice commands to select or enter a telephone  
23 number, an extension number, or voicemail retrieval  
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- 1 codes and commands into an electronic device for the  
2 purpose of initiating or receiving a phone call,  
3 b. inputting, selecting, or reading information on a  
4 global positioning system or navigation system, or  
5 c. using a device capable of performing multiple  
6 functions for a purpose that is not otherwise  
7 prohibited in this part, including, but not limited  
8 to, fleet management systems, dispatching devices,  
9 smart phones, citizens band radios, and music players.

10 D. This act shall not apply to railroads and railroad operating  
11 employees regulated by the Federal Railroad Administration.

12 SECTION 2. This act shall become effective November 1, 2019.

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14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
15 03/04/2019 - DO PASS, As Amended.  
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